



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria, Virginia

In Re: §2703(d) Order; 10GJ3793 ) Miscellaneous No. 1:11dm00003

## MEMORANDUM OPINION

In this action, the Court previously took under consideration the issue of whether the clerk's office must make publicly available separate docket entries showing all the documents filed in a case, even when the case is under seal.

At the outset, it should be noted that, upon the Court's review of the clerk's docketing procedures, new case numbering procedures were instituted, and as a result, the case previously numbered 10-gj-3793 was transferred to new case number 1:11-ec-3. In addition, the Court directed the clerk to individually note the documents entered in this case on December 14, 2010, when the 18 U.S.C. § 2703(d) order at issue in this case was entered. Under this new numbering system, each case except those before the grand jury has a publicly available docket number showing that the case is under seal.

The Court has exhaustively researched the remaining issue, including review of the Guide to Judiciary Policies and Procedures, and relevant case law. The Court concludes that

although a docket entry must note that a sealing order has been entered, there exists no right to public notice of all the types of documents filed in a sealed case. No case cited by Defendants establishes a right to such details. The "running list," which is publicly available from the clerk's office, shows at a minimum all assigned case numbers other than grand jury cases, and whether a particular case is under seal. The Court finds that this list satisfies the public's right to know that a particular case exists and has been sealed. Further individual docket entries for all other types of documents filed in a sealed case would be of no real value to the public, other than providing fodder for rank speculation. Moreover, the clerk's office staff would be unduly burdened during a time of serious budget concerns.

The Court finds that publicly available lists of the types of documents filed in a case under seal are not required and will not be ordered in this case. Therefore, Petitioner's Motion for Unsealing of Sealed Court Records (Dkt. 3) is DENIED as to this last remaining issue. An appropriate order will be entered.

*Th* /s/  
Theresa Carroll Buchanan  
United States Magistrate Judge  
THERESA CARROLL BUCHANAN  
UNITED STATES MAGISTRATE JUDGE

June 1, 2011  
Alexandria, Virginia